IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 762 of 2002 (M/B)
(Old No. 20505 of 2000)

1. Doon Valley Plumbers Association
   5-A Haridwar Road, District Dehradun.
   Through its Secretary Sobat Singh Chauhan
   S/o late Sri Surat Singh Chauhan.
2. Prem Chandra Jain,
   S/o late Sri Lal Chandra Jain,
   President Sanitary Contractors Association,
   Dehradun,
   R/o 16-A, Ajit Prasad Marg, Dehradun.

……. Petitioners.

Versus

1. State of U.P. through Secretary
   Urban Development, U.P. Government,
   Lucknow.
2. General Manager, Garhwal Jal Sansthan,
   62, Race Course Road, Dehradun
   District Dehradun
3. Garhwal Jal Sansthan Board,
   62, Race Course Road, Dehradun
   Through its Secretary.
4. Water Works Engineer (1st Grade),
   Garhwal Jal Sansthan,32, Rajpur Road,
   District Dehradun. …….. Respondents

Sri S.K. Jain, Advocate for the petitioners.
Sri K.P. Upadhyaya, Standing Counsel for respondent no. 1.
Sri J.P. Joshi, Advocate for respondents 2 to 4.

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C.Pant, J.

RAJEEV GUPTA, C.J.(Oral)

Sri S. K. Jain, learned counsel for the petitioners.

Sri K.P. Upadhyaya, Standing Counsel for respondent no. 1.

Sri J.P. Joshi, Advocate for respondents 2 to 4.

They are heard.

2. The petitioners have filed this writ petition for the following reliefs:

"(a) Issue a writ, order or direction in the nature of certiorari quashing the letter/notice dated 31st March 2000 issued by the respondent no. 3 (Annexure 2 to this writ petition).

(b) Issue a writ, order or direction in the nature of mandamus declaring the imposition of the licence fee/ renewal fee/security amount as ultra vires.
(c) Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.
(d) Award cost of the petition to the petitioners."

3. The petitioners are challenging the increase in license fee, renewal fee and the security amount vide order dated 31.03.2000 issued by respondent no. 3-Garhwal Jal Sansthan Board (Annexure-2)

4. The petitioners' challenge to the above increase in license fee, renewal fee and security amount is founded on the grounds that the third respondent-Garhwal Jal Sansthan Board had no authority to increase the license fee; and that the ten fold increase in license fee, renewal fee and security amount is arbitrary and without any basis.

5. So far as the petitioners' first submission that the third respondent-Garhwal Jal Sansthan Board has no jurisdiction to increase the license fee is concerned, we deem it useful to refer to Section 70 of the Uttar Pradesh Water Supply and Sewerage Act, 1975, which reads follows:

"70. **Licensed plumbers**.-(1) No person other than a plumber licensed by the Jal Sansthan (hereinafter referred to as a licensed plumber) shall execute any work in respect of a water connection not being a work of a trivial nature an no person shall permit any such work to be executed by a person other than a licensed plumber.

(2) When any work is executed in contravention of the provisions of sub Section (1) such work shall be liable to be dismissed at the discretion of the Jal Sansthan."

Thus from the above quoted Section 70, it is apparent that Jal Sansthan is empowered to issue licenses to the plumbers. By virtue of the provisions contained in Section 99 of the Act, the Rules, Regulations and Bye-laws in force at the time of commencement of this Act shall continue to remain in force till the framing of Rules, Regulations and Bye-laws under this Act.

6. Admittedly, licenses to the plumbers are being issued and renewed by the third respondent-Garhwal Jal Sansthan Board. The licenses of the members of the petitioners' Association too were renewed earlier times by the third respondent by charging Rs. 100/- per plumber as renewal fee.

7. In our opinion, the authority who has power to issue/renew new licenses and to fix license/renewal fee, has by necessary implication the power to increase the license fee and renewal fee. The same is true about the security amount also. Thus, we have no hesitation in holding that the third respondent-Garhwal Jal Sansthan Board was competent to increase the license fee, renewal fee and security amount.

8. So far as the petitioners' other submission that ten fold increase effected by the third respondent in license fee, renewal fee and security amount is arbitrary and without any basis, we gather from the counter affidavit filed on behalf of respondents 2 to 4 that the existing fee of Rs. 100/- was fixed sometime in the year 1965 and this increase by the impugned order has been effected after about 35 years. It is a matter of common knowledge that the value of the Rupee has gone down many fold during the last 35 years. The members of the petitioners' association also must have increased their charges by at least ten fold if not more that that.

9. The third respondent- Garhwal Jal Sansthan Board's expenditure in maintaining the work force in the establishment also has gone up at least ten times during the last 35 years. For maintaining its financial health, if Garhwal Jal Sansthan Board found it necessary to increase the license fee and renewal fee from Rs. 100/- to Rs. 1,000/- and security amount from Rs. 250/- to Rs. 2,500/-, we do not find any unreasonableness in the said increase.

10. That apart, getting himself registered with the Jal Sansthan is at the sweet will of the plumber concerned. No plumber is under any compulsion to get himself registered with the Jal Sansthan. If the petitioners feel that paying of Rs. 1,000/- as renewal fee or Rs. 2,500/- as security amount is not within their financial capacity, they are free to keep themselves away from the contract work of the Jal Sansthan.

11. For the forgoing reasons, we do not find any good ground to grant any of the reliefs sought by the petitioners.

12. The writ petition, therefore, fails and is hereby dismissed.

(Prafulla, C. Pant, J.) **(Rajeev Gupta, C.J.)**
02.05.2006 02.05.2006

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